COMMISSIONERS' MINUTES
KITTITAS COUNTY, WASHINGTON
COMMISSIONERS CONFERENCE ROOM
SPECIAL MEETING

THURSDAY 1:30 P.M AUGUST 3, 2006

Board members present: Chairman David Bowen; Vice-Chairman Alan Crankovich; Commissioner Perry Huston.

Others: Julie Kjorsvik, Clerk of the Board; Jeff Slothower, Attorney representing the proponent; Mike Smith, Appellant representing the City of Ellensburg; Jan Ollivier, Public Works Transportation Manager; Noah Goodrich, Staff Planner; Darryl Piercy, Director of Community Development Services; Scott Turnbull, Staff Planner; Patrick Butler, CDS Staff Planner and 3 members of the public.

APPEAL HEARING FERRELL SHORT PLAT APPEAL

At 1:30 p.m. Chairman Bowen opened a special meeting to consider an appeal filed by Mike Smith, Senior Planner for the City of Ellensburg, of the administrative decision of the conditional preliminary approval of the Ferrell Short Plat (SP-06-32). The short plat is for 3.69 acres into three lots consisting of one 1.52 acre lot, one 1.40 acre lot and one 0.75 acre lot. The location is west of Mathews Road, North of Kittitas Highway, and south of Vantage Highway.

CHAIRMAN BOWEN read the legal notice into the record as well as the appeal hearing procedures. Witnesses that intended on testifying were sworn in.

COMMISSIONER HUSTON disclosed he had not talked to any of parties with exception of Director Darryl Piercy relating to language located within the Comprehensive Plan. He requested to insert into record, the information from the Stuth Short Plat appeal, clarifying the latitude of the Board of County Commissioners to interpret conditional preliminary approval language. The Board recessed for five minutes to allow staff to obtain copies of the information for parties to review. (Exhibit 1 was submitted into the record).

JEFF SLOTHOWER, ATTORNEY REPRESENTING MR. & MRS. FERRELL said he was familiar with the Code and didn’t realize there was an issue relating to the Boards authority and did not object to the inclusion of information, but noted the facts are different than those of the Stuth appeal.
PATRICK BUTLER, CDS STAFF PLANNER reviewed a staff report relating to the Ferrell Short Plat appeal. He reviewed the general information of the application submitted by Chris Cruse of Cruse and Associates, authorized agent for Patrick and Susan Ferrell, landowners. He also reviewed the site information and characteristics and appeal elements. He said the Ellensburg UGA boundary abuts the Ferrell Short Plat on the west property line however no portion of the Ferrell Short Plat is located within the Ellensburg UGA. He addressed the appeal issues submitted by the City of Ellensburg, stating that the conditional preliminary approval did not address the need for the ½ street of Pfenning Road right-of-way and road improvements along the western property line of the proposed Ferrell Short Plat. He said the Public Works Department did not address the future of Pfenning Road extension in the letter of conditional preliminary approval received by their department on June 12, 2006, and no information was available at the time of decision that would remotely suggest the future extension. He said prior to the appeal, it was common practice for their department to notice the City of Ellensburg only when a proposed subdivision is located within the Ellensburg UGA boundary. He indicated the City of Ellensburg does have a proven interest in the dedication and development of the ½ Pfenning Road right-of-way.

COMMISSIONER HUSTON asked if the City of Ellensburg had received notification of the conditional preliminary approval. MR. BUTLER said they had not been sent notice and agreed the City should have been notified. MR. SLOTHOWER cross-examined Mr. Butler relating to the short plat application that was submitted by Mr. Cruse.

MIKE SMITH, SENIOR PLANNER REPRESENTING THE CITY OF ELLENSBURG explained the basis of the appeal and felt there were three issues that needed to be decided: is the property in the UGA or is it not, and if so, should the road have been required dedication or complete dedication upon build out; and is it asking too much of the individual property owner or a taking. He reviewed the history of the County Wide Planning Policies and the history of the UGA which was adopted and has been in place since 1997. He said they require a joint review by the County and the City if the property is within the UGA and joint planning in the UGA area. He noted the County has the ultimate authority if outside the UGA, but is still required to confer with the City. He explained the proposed short plat is immediately to the east of the City’s UGA boundary and abuts the property to the west of the UGA that is currently undergoing a County subdivision known as the Vista View Estates Plat (P-05-03). He felt the preliminary short plat would have a direct impact on the City’s future use of that Pfenning Road corridor as a major arterial/collector which has been designated and planned for the City’s Comprehensive Plan. Mr. Smith felt the Board should add a condition to the Conditional Preliminary approval requiring that
prior to final short plat approval, the applicant shall provide $\frac{1}{2}$ street rights-of-way for Pfenning Road and install $\frac{1}{2}$ street improvements, with full height curb and gutter, sidewalks and street lighting along its Pfenning Road frontage. **MR. PIERCY** cross-examined Mr. Smith. **MR. SLOTHOWER** cross-examined Mr. Smith regarding Matthews Road and if it’s the boundary of City of Ellensburg UGA. **MR. SMITH** said it was not, but it was 660 feet east of the UGA. **MR. SMITH** entered Exhibit 2 into the record which was a letter dated March 25, 2006 to the City Council members from people on Matthews Road requesting that the UGA be amended to include their properties which are located on South Matthews Road. **MR. SLOTHOWER** cross examined Mr. Piercy. He called Chris Cruse as a witness and submitted Exhibit 3 into the record (airport overlay zone map).

**CHAIRMAN BOWEN** asked if there were any other interested parties requesting to testify. No one requested to testify.

**CHAIRMAN BOWEN** asked for final arguments from the parties.

**PATRICK BUTLER** said the Community Development Services recognized the City of Ellensburg was not noticed, but a right of way does not exist and the 660 feet horizontal does not apply in this case.

**MIKE SMITH** said the property is in UGA and referenced the policy adopted by the County and City and that the City should have been notified.

**MR. SLOTHOWER** felt the basic question goes back to the fundamentals of Growth Management Act. At present time, there is no road right-of-way which would trigger a provision and the City’s position that this property is already in the UGA (or 660’ of it) is incorrect. He felt the issue was inconsistent with actions to accept requests to be in UGA when they are already in the UGA. The Comprehensive Plan is a policy objective as well as the County Wide Planning Policies. The City has no development regulations in place for the City of Ellensburg to have jurisdiction over the proposed short plat and there are no impacts to traffic arising from the 3 lot plat. He said the Public relies on development regulations. He felt that the fact the City was not noticed is not a determining factor.

**CHAIRMAN BOWEN** recapped the testimony given by the parties.

**COMMISSIONER HUSTON** moved to remand the preliminary plat approval back to staff with reconsideration of the conditions listed. **COMMISSIONER CRANKOVICH** seconded.

**COMMISSIONER HUSTON** explained that by walking through the information that has been provided, there are a variety of questions that remain unanswered. He said to stay true to public process he
felt the City should have been given notice, and although it may not be a fatal flaw, after stringing all the issues together, maybe it was. In the written record, there was a right-of-way granted by the MD Jackson project immediately to the west, but yet there was contradictory testimony presented today, and he did not know which was which and it should have been dealt with in the development stage at the preliminary approval level. He referenced the City’s transportation (adopted by Ordinance) plan indicated the Pfenning Road’s transportation corridor, the County may have the ability to at least discuss with the property owner the possibility of extending the right of way for future transportation needs. He said although the final decision may not change and be the same, it needed to be revisited. Motion carried 3-0.

COMMISSIONER HUSTON moved to continue the hearing and direct staff to prepare a Resolution outlining the Findings and Conclusions relating to the Board’s decision to be held on August 14, 2006 at 2:30 p.m. in the Commissioners Auditorium, Room 109, County Courthouse. COMMISSIONER CRANKOVICH seconded. Motion carried 3-0.

Meeting adjourned at 2:40 p.m.

CLERK OF THE BOARD  

KITTITAS COUNTY COMMISSIONERS  

KITTITAS COUNTY, WASHINGTON

Claire A. Kjorsvik  

David B. Bowen, Chairman